

NOV 19 2007

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPL. NO.: 09/822,732

APPLICANTS: REUBEN BAHAR

FILED: 03/30/2001

FOR: "METHOD AND SYSTEM FOR  
AUCTIONING BAD DEBTS  
UTILIZING ASSORTING  
ARRANGEMENT BASED ON THE  
GEOGRAPHIC LOCATION WHERE  
JURISDICTION IS PRESENT OVER  
THE DEBTOR"

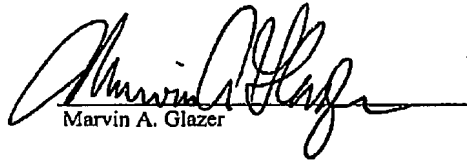
Art Unit 3693

Examiner: Borlinghaus, Jason M.

Confirmation No. 7238

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Marvin A. Glazer

Nov. 19, 2007  
Date

**REPLY TO EXAMINER'S ANSWER**

MAIL STOP AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Reply Brief is in response to the Examiner's Answer mailed September 18, 2007, and  
is in further support of the Notice of Appeal filed in the Patent Office by the above-identified

1 Applicant/Appellant on April 12, 2007, appealing the final rejection of the Examiner dated April 5,  
2 2007, finally rejecting claims 1-6, 8-11, 13-19, 21-25, 28-38, 40-45, 47, 50 and 55-64.

3  
4 Claim 1:

5 At page 32 of the Examiner's Answer, the Examiner has asserted a new argument as to why  
6 it would purportedly have been "obvious" to modify Morris to classify bad debt items by  
7 geographic territories in which the debtor resides. The Examiner's new argument is quoted below:

8 " Such modification would be motivated by the debt purchaser's interest in  
9 knowing which geographic territories they may be drawn into should debt collection  
10 proceed to legal actions and the debtor should seek to transfer legal proceedings to their  
11 geographic territory of residence. The debt-purchaser may wish to avoid purchasing debt  
accounts in which their was a risk of being pulled into a debtor-friendly jurisdiction or may  
desire to limit the geographic areas in which they may potentially need to fund legal  
activities."

12 Similarly, at page 33 of the Examiner's Answer, the Examiner states that "... a debt-purchaser in  
13 Florida might not want to purchase a debt account of a debtor that resides in Alaska due to the  
14 long-distance nature and possible additional expense of the collection proceedings."

15 The Examiner's new arguments quoted above ("... may wish to avoid ..."; "... may desire to  
16 limit ..."; "... might not want to purchase ...") are wholly speculative<sup>1</sup>. The cited Brown publication  
17 does not caution those who enforce judgments to avoid debtors who reside in "debtor-friendly"  
18 jurisdictions. The Examiner has failed to point to any specific teaching or disclosure within the  
19 cited Brown reference, or any of the other cited references, which teaches or suggests that debts  
20 should be classified in the manner recited in claim 1 when being auctioned.

21  
22  
23  
24 <sup>1</sup> The Examiner's Answer makes similarly speculative arguments regarding claims 3, 34, 38, 47,  
25 55 and 62-64 (see Examiner's Answer at page 35, first paragraph); and regarding claims 6, 11 and 19  
26 (see Examiner's Answer at page 36, last paragraph).

1       Claims 3, 34, 38, 47, 55, 62, 63, and 64:

2       At page 35, second paragraph, of the Examiner's Answer, the Examiner attempts to address  
3 Appellant's arguments that the method of claims 3, 34, 38, 47, 55, 62, 63, and 64 provides  
4 advantages of grouping two or more bad debts together, particularly lower-valued debts. The  
5 Examiner does not challenge Appellant's argument that such advantages are disclosed in  
6 Appellant's specification. Rather, the Examiner contends that such advantages are irrelevant in  
7 regard to the Examiner's Section 103(a) rejection, because such advantages are not expressly  
8 recited in the claims themselves.

9       Advantages of a claimed invention need not be expressly recited in a patent claim in order  
10 to show that the claimed invention would not have been obvious to those skilled in the art at the  
11 time that the claimed invention was made. If the specification filed by Appellant describes such  
12 advantages, and if such advantages are inherent in the claimed method, then such advantages of the  
13 claimed invention are relevant with respect to the non-obviousness of the claimed method.

14  
15       Claims 24 and 25:

16       On pages 37-38 of the Examiner's Answer, the Examiner has introduced a new argument  
17 regarding the rejection of claims 24 and 25. The Examiner now contends that Atkinson discloses  
18 "an online auction conducted utilizing concurrent bidding phase intervals, in that bidders submit  
19 bids concurrently during each auction round." However, the Examiner fails to point to any portion  
20 of Atkinson which discloses or suggests that two or more auctions are being conducted at the same  
21 time. Appellant defines the term "concurrent", at pages 14-15 of Appellant's specification, as  
22 follows:

23       " By stating that bidding phase intervals may run in a concurrent manner, it is meant  
24 that each designated location bidding site, as exemplified by reference character 17, will  
25 display a separate and distinct bidding phase interval that runs simultaneously with other  
26 bidding phase intervals running on other designated location bidding sites. Additionally, it  
27 is contemplated that a designated location bidding site may have more than one bidding  
phase interval that is running 'concurrently' with another bidding phase interval on the  
same designated location bidding site."

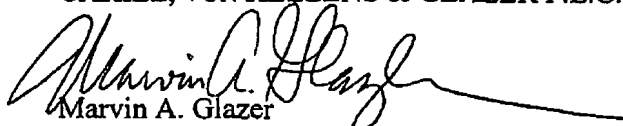
1 The Examiner's argument (set forth on page 37 of the Examiner's Answer, in the last full  
2 paragraph on such page) that Atkinson teaches "concurrent bidding phase intervals, in that bidders  
3 submit bids concurrently during each auction round" attributes a twisted meaning to the phrase  
4 "concurrent bidding phase intervals" which is contrary to the definition set forth in Appellant's  
5 specification.

6  
7 8. Conclusion:

8 Accordingly, Appellant submits that the appealed claims define subject matter that is  
9 patentably distinguishable over the applied prior art, and requests the Board to reverse the  
10 Examiner's rejection of the appealed claims.

11  
12 Respectfully submitted;

13 CAHILL, VON HELLENS & GLAZER P.L.C.

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